Response to Office Action of: 3 March 2010   App. No.: 10/553,360
Response Dated: 3 May 2010   Inventor: Davies et al.
Title: Mobile Payments System   Examiner: Monfeldt, Sarah M

REMARKS

Claims 1-14, 16-30, 34 and 37-45 are now pending in the case, as claims 31, 32 and 36 are cancelled above. Although a claim amendment is made, entry of the response is urged, as the amendment should not require additional searching or consideration by the Examiner.

Information Disclosure Statement

The dispute between the applicant and the Examiner's on the 23 Feb 2009 IDS (the Examiner erroneously refers to the filing date as 29 Feb 2009) appears to be unnecessarily prolonged. The IDS was filed accompanying a response to a non-final Office Action, so the applicant asserts that the filing was made under 37 CFR 1.97(c), which requires that "[the IDS] is accompanied by *one of*: (1) The statement specified in paragraph (e) of this subsection; *or* (2) The fee set forth in 1.17(p)" (emphasis added).

As the applicant has previously stated, the record is clear (see the fee transmittal form WFEE in PAIR with a filing date of 23 February 2009) that a fee of $180 was paid, under fee code 1806, which is the "fee set forth in 1.17(p)." Applicant respectfully asserts that payment of the fee obviates the need for any statement. The fact that the "None" box was inadvertently marked does not change the fact that the applicant complied with the rules by paying the fee. The IDS is properly before the Examiner for consideration.

Applicant insists that this issue be properly addressed by the Examiner.

Claim amendments

Claims 31, 32 and 36 are cancelled, reducing the net number of claims in prosecution.

Claim 37 is amended to overcome a rejection under §112, second paragraph.

Claim rejections – 35 USC §101

The rejections under §101 are not repeated and are deemed to be overcome.

Claim rejections – 35 USC §112

The Examiner has rejected claim 37 as indefinite under §112, second paragraph, because the Examiner does not believe that the preamble phrase "a receipt in respect of a transaction" provides antecedent basis later in the claim for the phrase "the

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transaction receipt." While the applicant does not agree with this position of the Examiner, the claim is amended to use the phrase "receipt in respect of a transaction" consistently.

Applicant agrees with the Examiner that the term "a receipt" in substep iii) is not clearly the same receipt referenced in the preamble, so the claim is amended.

Applicant respectfully submits that claim 37 as amended is now in compliance with §112, second paragraph.

<u>Claim rejections - 35 USC §102</u>

The Examiner has repeated a rejection of claim 36 as anticipated under 35 USC 102(e) by US Pat 7,239,226 to Berardi ("Berardi '226"). This rejection is mooted by cancellation of claim 36.

<u>Claim rejections - 35 USC §103</u>

The Examiner has made several obviousness rejections that start with Berardi '226 as the primary reference. Applicant respectfully traverses all of these rejections.

Berardi '226, Adam '710, Campisano '447 and Shore '662

The first rejection is a repetition of a rejection of claims 1-7, 9-12 and 38-43, which are considered obvious over Berardi '226 in view of Adam '710, Campisano '447 and Shore '662.

The Examiner suggests that Berardi '226 teaches everything in claim 1 except for "at least one server device for providing data and/or processes to support a transaction using the at least one client device, said transaction including verification of authorisation data" and "wherein the at least one server device is provided with a user data store adapted to store one or more sets of user-specific data for use in authorising transactions", which are taught by Adam '710, the feature of "said at least one server device being adapted to store a second part of the authorisation data comprising financial data relating to a user of the mobile device in association with said first part of the authorisation data and the mobile device identity information and, in response to receiving said first part of the authorisation data and the mobile device identity data, to verify said authorisation data and to retrieve said second part of the authorisation data comprising the user's financial data to complete a transaction" which is taught by Adam

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'710 in view of Campisano '447, and the feature "wherein the at least one server device is provided with a user data maintenance process for storing and updating user data in the user data store", which is taught by Shore '662.

Applicant considers this objection to be an improper "mosaic" type argument that the different features of the claim can be separately found in different ones of a plurality of documents, in this case that different features of claim 1 can be separately found in four different documents. The mere identification of separate disclosures of the different features of the claim in different documents does not show that "the subject matter as a whole would have been obvious" unless it can be explained with "articulated reasoning" why the skilled person would be motivated in an obvious manner to select the different features of the claim from the different documents and then to combine them to arrive at the subject matter of the claim, with the combined results operating in a predictable manner.

Further, applicant does not accept the Examiner's analysis of the prior art in this rejection as being correct. In particular, it is not accepted that the feature of "said at least one server device being adapted to store a second part of the authorisation data comprising financial data relating to a user of the mobile device in association with said first part of the authorisation data and the mobile device identity information and, in response to receiving said first part of the authorisation data and the mobile device identity data, to verify said authorisation data and to retrieve said second part of the authorisation data comprising the user's financial data to complete a transaction", is taught by Adam '710 in view of Campisano '447.

Adam '710, and in particular the referenced paragraphs [0028], [0039], [0128], [0129] and [0168] thereof, teaches a server storing financial data associated with a customer identity. See paragraphs [0039], [0128] and [0129]. The server is arranged to receive from a point of service device a customer ID, a merchant ID and transaction details. The server uses the customer ID, merchant ID and transaction details to verify and authorize the transaction.

However, even if the customer ID of Adam '710 were to be regarded as corresponding to a first part of authorisation data according to claim 1, Adam '710 still

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fails to teach a server "being adapted to store a second part of the authorisation data comprising financial data relating to a user of the mobile device in association with said first part of the authorisation data and the mobile device identity information" and "in response to receiving said first part of the authorisation data and the mobile device identity data" proceeding to "verify said authorisation data and to retrieve said second part of the authorisation data comprising the user's financial data to complete a transaction" according to claim 1. Adam '710 lacks any teaching of a server "being adapted to store a second part of the authorisation data...in association with said first part of the authorisation data and the mobile device identity information" or "receiving said first part of the authorisation data and the mobile device identity data" at all. In particular, the referenced paragraph [0168] of Adam '710 teaches only "a first data communication message **57** containing the customer's ID, the merchant's ID (also previously assigned to him by the administrator of the system), and the sum to be paid (the "transaction details"), is transmitted to the local CSC **2 (53)**".

In the system of Adam '710 the mobile device identity data, that is, the identity of the mobile device from which the one client device has received the first part of the identity data, is not sent to the server. In Adam '710 mobile device identity information is not included in either of the first data communication message 57 or the second communication message 58 which are sent to the server which verifies the customer identification and balance. See paragraphs [0168] and [0170]. Accordingly, in Adam '710 it is not possible for the server to use the mobile device identity information to verify authorisation data because the mobile device identity information is never supplied to the server.

The examiner has identified the disclosure of Adam '710 in view of Campisano '447 as relevant, and in particular suggests that Campisano '447 would make it obvious to one of normal skill in the art to add to the teaching of Berardi '226 and Adam '710 the features of cross-linking of a card holders phone number to the credit card number and providing the customer with a corresponding PIN.

However, even if the teaching of Campisano '447 that a user home telephone number can be used as a user identifier and that a user can select multiple PINs each

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corresponding to different credit cards is taken into account, the Examiner does not indicate why this would suggest to the skilled person that the teaching of Adam '710 that a customer ID should be sent to a server should be extended to, or understood as, the feature of claim 1 of "receiving said first part of the authorisation data and the mobile device identity data".

Campisano '447, at column 2 lines 22 to 24, 32 to 34 and 42 to 43, teaches a payment system in which a user inputs their home phone number and a PIN in order to make a payment. See in particular Campisano '447, column 2 lines 22 and 23 "enter the cardmember's ten-digit home telephone number and PIN". This home telephone number is used to identify the user in place of a credit card number in order to allow the cardholder make purchases without the actual credit card without the cardholder having to memorize the twenty-digit credit card number. See column 1, lines 15 to 24.

There is no requirement in Campisano '447 that a telephone should be used to carry out a credit card transaction. It is clearly explained that a cardholder can provide their home phone number to carry out purchases at any purchase location. See column 2, lines 13 to 16. Even when an order is placed by telephone in Campisano '447, there is no requirement that the home telephone number given by the cardholder is the number from which they are is calling. See column 2, lines 16 to 19 "Any telephone can be considered a point of purchase location since it is possible to telephone...and place a credit card order over the phone.

Thus, the cardholder's home phone number of Campisano '447 is neither the same thing as, nor equivalent to, the mobile device identity data of claim 1. The cardholder's home phone number of Campisano '447 is merely the number of a home telephone associated with the cardholder. This home telephone does not need to be used in the credit card transaction in any way. In contrast, the mobile device identity data of claim 1 is the identity of the mobile device which is actually being used to carry out the transaction. Specifically, claim 1 requires that the mobile device identity data is the identity of the mobile device from which the at least one client device has received the first part of the identity authorization data and the identity information for the mobile device. See claim 1 "wherein the at least one client device is adapted to receive from a

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<u>mobile device</u> a first part of the authorisation data and <u>identity information for said</u>
<u>mobile device</u>".

Accordingly, the skilled person aware of both Adam '710 and Campisano '447
could understand that the customer ID sent to the server in Adam '710 could be, instead
of a credit card number, the customer's home phone number, as taught in Campisano
'447. However, there is nothing in the combined teachings which would lead the skilled
person to consider changing the teaching of Adam '710 of a server storing financial data
associated with a customer identity, the server being arranged to receive from a point of
service device a customer ID (which, according to Campisano '447, could be a
customer home phone number), a merchant ID and transaction details and to use these
to verify and authorize the transaction, to add the features of claim 1 of the server also
storing mobile device identity information and responding to receiving both a first part of
authorisation data and mobile device identity data, which mobile device identity data is
the identity of a mobile device from which the first part of the identity authorization data
was received.

Thus, even if Adam '710 is read in view of Campisano '447, this would not teach
the skilled person the feature of a server "being adapted to store a second part of the
authorisation data comprising financial data relating to a user of the mobile device in
association with said first part of the authorisation data <u>and the mobile device identity</u>
<u>information</u>" and "in response to receiving said first part of the authorisation data <u>and</u>
<u>the mobile device identity data</u>" proceeding to "verify said authorisation data and to
retrieve said second part of the authorisation data comprising the user's financial data to
complete a transaction" according to claim 1.

The Examiner states that "it would have been obvious to one of ordinary skill in
the art at the time of the invention to expand the apparatus of Berardi et al. to include
the CSC to administer accounts of merchants and customers as taught by Adam et al.
and cross-linking of a card holders phone number to the credit card number and
providing the customer with a corresponding PIN". As explained above, even if one of
ordinary skill in the art were to do this, the combination would only allow them to use a
card holder's home phone number as a customer identifier, as taught by Campisano

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'447. Nothing in the combined teachings would lead one of ordinary skill in the art to predictably replicate the features of a server storing or responding to a first part of authorisation data <u>and</u> mobile device identity information according to claim 1.

Thus, contrary to the Examiner's arguments, this feature of claim 1 cannot be arrived at by combining the teaching of Berardi '226, Adam '710 and Campisano '447. Accordingly, it is respectfully submitted that claim 1 is not obvious and its proper dependent claims 2-7, 9-12 and 38-43 are also allowable as proper dependent claims.

Further to the comments above regarding the number of references required to make some of the obviousness rejections, it is respectfully submitted that where, as in this case, four different references must be combined, and even then some of the claim features are still not taught by the combined disclosure of the references, this should be regarded by the examiner as evidence that the claimed subject matter is not obvious.

Berardi '226, Adam '710, Campisano '447, Shore '662 and Nguyen '361

The Examiner has repeated a rejection of claim 8 as obvious over the combination of Berardi '226, Adam '710, Campisano '447, Shore '662 and Nguyen '361. The Examiner again makes unsupported conclusory statements as to what would have been obvious at the time of the invention to one of ordinary skill, ignoring the obvious problems of requiring five separate patent teachings to predictably interact. Further, it is respectfully submitted that claim 1 is not obvious and its proper dependent claim 8 is also allowable as a proper dependent claim.

Berardi '226, Adam '710, Campisano '447, Shore '662 and Grunbok, Jr '603

The Examiner has repeated a rejection of claim 13 as obvious over the combination of Berardi '226, Adam '710, Campisano '447, Shore '662, and Grunbok, Jr '603. discussed above to include the feature "wherein the at least one server device is provided with a scanning process for scanning through the ordered list until a sufficient balance is found to complete the transaction." The Examiner again makes unsupported conclusory statements as to what would have been obvious at the time of the invention to one of ordinary skill, ignoring the obvious problems of requiring five separate patent teachings to predictably interact. Further, it is respectfully submitted that claim 1 is not

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obvious and its proper dependent claim 13 is also allowable as a proper dependent claim.

Berardi '226, Adam '710, Campisano '447, Shore '662 and Sohaei '308

The Examiner has repeated a rejection of claims 44 and 45 as obvious over the combination of Berardi '226, Adam '710, Campisano '447, Shore '662 and Sohaei '308. The Examiner again makes unsupported conclusory statements as to what would have been obvious at the time of the invention to one of ordinary skill, ignoring the obvious problems of requiring five separate patent teachings to predictably interact. Further, it is respectfully submitted that claim 1 is not obvious and its proper dependent claims 44 and 45 are also allowable as proper dependent claims.

Berardi '226, Adam '710 and Campisano '447

The Examiner has repeated a rejection of claims 14, 16-23 and 25 as obvious over Berardi '226, in view of Adam '710 and Campisano '447.

The Examiner suggests that Berardi '226 teaches the features of claim 14 with the exception of the features "at least one server device for providing data and/or processes to support a transaction using the at least one client device, said transaction including verification of authorisation data", which is taught by Adam '710, and the feature of "wherein the at least one server device is adapted to store said mobile device identity information and said authorisation data including a second part of the authorisation data comprising financial data relating to a user of the mobile device and, in response to receiving said first part of the authorisation data and the mobile device identity information, to verify said authorisation data and to retrieve said second part of the authorisation data comprising the user's financial data to complete a transaction" which is taught by Adam '710 in view of Campisano '447.

This rejection is similar to the improper "mosaic" type argument used against independent claim 1 above. In this case, the Examiner asserts that the features of claim 14 can be separately found in three different documents. Again, it is respectfully submitted that the mere identification of separate disclosures of the different features of the claim in different documents does not show that "the subject matter as a whole would have been obvious" unless it can be explained why the skilled person would be

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motivated in an obvious manner to select the different features of the claim from the different documents and then to combine them to predictably provide an operative solution to the problem.

Further, the Examiner's analysis of the prior art is not accepted by the Applicant. In particular, it is not accepted that the feature of "the at least one server device is adapted to store said mobile device identity information and said authorisation data including a second part of the authorisation data comprising financial data relating to a user of the mobile device and, in response to receiving said first part of the authorisation data and the mobile device identity information, to verify said authorisation data and to retrieve said second part of the authorisation data comprising the user's financial data to complete a transaction", is taught by Adam '710 in view of Campisano '447.

Adam '710, and in particular the referenced paragraphs [0028], [0039], [0128], [0129] and [0168], teaches a server storing financial data associated with a customer identity, see paragraphs [0039], [0128] and [0129], the server being arranged to receive from a point of service device a customer ID, a merchant ID and transaction details, see paragraph [0168], and to use these to verify and authorize the transaction.

However, even if the customer ID of Adam '710 were to be regarded as corresponding to a first part of authorisation data according to claim 1, Adam '710 still fails to teach a server "adapted to store said mobile device identity information and said authorization data including a second part of the authorization data comprising financial data relating to a user of the mobile device" and "in response to receiving said first part of the authorisation data and the mobile device identity information" proceeding to "verify said authorisation data and to retrieve said second part of the authorisation data comprising the user's financial data to complete a transaction" according to claim 14. Adam '710 lacks any teaching of a server adapted to store said mobile device identity information and said authorization data including a second part of the authorization data comprising financial data relating to a user of the mobile device" or "in response to receiving said first part of the authorisation data and the mobile device identity information" proceeding to "verify said authorisation data and to retrieve said second part of the authorisation data comprising the user's financial data to complete a

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transaction" at all. In particular, the referenced paragraph [0168] of Adam '710 teaches only "a first data communication message **57** containing the customer's ID, the merchant's ID (also previously assigned to him by the administrator of the system), and the sum to be paid (the "transaction details"), is transmitted to the local CSC **2 (53)**".

In the system of Adam '710 the mobile device identity data, that is, the identity of the mobile device from which the one client device has received the first part of the identity data, is not sent to the server. In Adam '710 mobile device identity information is not included in either of the first data communication message 57 or the second communication message 58 which are sent to the server which verifies the customer identification and balance. See paragraphs [0168] and [0170]. Accordingly, in Adam '710 it is not possible for the server to use the mobile device identity information to verify authorisation data because the mobile device identity information is never supplied to the server.

The examiner has identified the disclosure of Adam '710 in view of Campisano '447 as relevant, and in particular suggests that Campisano '447 would make it obvious to one of normal skill in the art to add to the teaching of Berardi '226 and Adam '710 the features of cross-linking of a card holders phone number to the credit card number and providing the customer with a corresponding PIN.

However, even if the teaching of Campisano '447 that a user home telephone number can be used as a user identifier and that a user can select multiple PINs each corresponding to different credit cards is taken into account, the Examiner does not indicate why this would suggest to the skilled person that the teaching of Adam '710 that a customer ID should be sent to a server should be extended to, or understood as, the feature of claim 14 of "receiving said first part of the authorisation data <u>and the mobile device identity information</u>".

Campisano '447, at column 2 lines 22 to 24, 32 to 34 and 42 to 43, teaches a payment system in which a user inputs their home phone number and a PIN in order to make a payment. See in particular Campisano '447, column 2 lines 22 and 23 "enter the cardmember's ten-digit home telephone number and PIN". This home telephone number is used to identify the user in place of a credit card number in order to allow the

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cardholder make purchases without the actual credit card without the cardholder having to memorize the twenty-digit credit card number. See column 1, lines 15 to 24.

There is no requirement in Campisano '447 that a telephone should be used to carry out a credit card transaction. It is clearly explained that a cardholder can provide their home phone number to carry out purchases at any purchase location. See column 2, lines 13 to 16. Even when an order is placed by telephone in Campisano '447, there is no requirement that the home telephone number given by the cardholder is the number from which they are is calling. See column 2, lines 16 to 19 "Any telephone can be considered a point of purchase location since it is possible to telephone...and place a credit card order over the phone.

Thus, the cardholder's home phone number of Campisano '447 is neither the same thing as, nor equivalent to, the mobile device identity information of claim 14. The cardholder's home phone number of Campisano '447 is merely the number of a home telephone associated with the cardholder. This home telephone does not need to be used in the credit card transaction in any way. In contrast, the mobile device identity information of claim 14 is the identity of the mobile device which is actually being used to carry out the transaction. Specifically, claim 14 requires that the mobile device identity information is the identity of the mobile device from which the at least one client device has received the first part of the identity authorization data and the identity information for the mobile device. See claim 14 "wherein the at least one client device is adapted to receive <u>from a mobile device identity information for said mobile device</u> and a first part of the authorisation data".

Accordingly, the skilled person aware of both Adam '710 and Campisano '447 could understand that the customer ID sent to the server in Adam '710 could be, instead of a credit card number, the customer's home phone number, as taught in Campisano '447. However, there is nothing in the combined teachings which would lead the skilled person to consider changing the teaching of Adam '710 of a server storing financial data associated with a customer identity, the server being arranged to receive from a point of service device a customer ID (which, according to Campisano '447, could be a customer home phone number), a merchant ID and transaction details and to use these

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to verify and authorize the transaction, to add the features of claim 14 of the server also storing mobile device identity information and responding to receiving both a first part of authorisation data and mobile device identity information, which mobile device identity information is the identity of a mobile device from which the first part of the identity authorization data was received.

Thus, even if Adam '710 is read in view of Campisano '447, this would not teach the skilled person the feature of a server "adapted to store said mobile device identity information and said authorisation data including a second part of the authorisation data comprising financial data relating to a user of the mobile device and, in response to receiving said first part of the authorisation data and the mobile device identity information, to verify said authorisation data and to retrieve said second part of the authorisation data comprising the user's financial data to complete a transaction" according to claim 14.

The Examiner states that "it would have been obvious to one of ordinary skill in the art at the time of the invention to expand the apparatus of Berardi et al. to include the CSC to administer accounts of merchants and customers as taught by Adam et al. and cross-linking of a card holders phone number to the credit card number and providing the customer with a corresponding PIN". As explained above, even if one of ordinary skill in the art were to do this, the combination would only allow them to use a card holder's home phone number as a customer identifier, as taught by Campisano '447. Nothing in the combined teachings would lead one of ordinary skill in the art to predictably replicate the features of a server storing or responding to a first part of authorisation data <u>and</u> mobile device identity information according to claim 14.

Thus, contrary to the Examiner's arguments, this feature of claim 14 cannot be arrived at by combining the teaching of Berardi '226, Adam '710 and Campisano '447. Accordingly, it is respectfully submitted that claim 14 is not obvious and its proper dependent claims 16-25 are also allowable as proper dependent claims.

Further to the comments above regarding the number of references required to make some of the obviousness rejections, it is respectfully submitted that where, as in this case, three different references must be combined, and even then some of the

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claim features are still not taught by the combined disclosure of the references, this should be regarded by the examiner as evidence that the claimed subject matter is not obvious.

Berardi '226, Adam '710, Campisano '447 and Grunbok '603

The examiner has repeated a suggestion that Berardi '226 teaches the features of claim 26 with the exception of the features "at least one server device for providing data and/or processes to support a transaction using the at least one client device, said transaction comprising a transfer of funds between financial accounts and including verification of authorisation data"; "update means for updating data representing a cash amount"; "the at least one server device is adapted to store said identity information for said mobile device and said authorisation data including a second part of the authorisation data comprising financial data relating to a user of the mobile device and, in response to receiving said first part of the authorisation data and said identity information for said mobile device, to verify said authorisation data and to retrieve said second part of the authorisation data comprising the user's financial data to support a transaction"; and "transaction comprising a transfer of funds at least in part by updating the data representing a cash amount".

Again, this objection appears to be an improper "mosaic" type argument that the different features of the claim can be separately found in different ones of a plurality of documents, in this case that different features of claim 26 can be separately found in four different documents. It is respectfully submitted that the mere identification of separate disclosures of the different features of the claim in different documents does not show that "the subject matter as a whole would have been obvious" unless it can be explained why the skilled person would be motivated in an obvious manner to select the different features of the claim from the different documents and then to combine them to arrive at the subject matter of the claim.

Further, the Examiner's analysis of the prior art is not accepted by the Applicant. In particular, applicant rejects the assertion that the feature of "the at least one server device is adapted to store said identity information for said mobile device and said authorisation data including a second part of the authorisation data comprising financial

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data relating to a user of the mobile device and, in response to receiving said first part
of the authorisation data and said identify information for the mobile device, to verify
said authorisation data and to retrieve said second part of the authorisation data
comprising the user's financial data to support a transaction", is taught by Adam '710 in
view of Campisano '447.

This feature essentially corresponds to the feature of claim 14 "the at least one
server device is adapted to store said mobile device identity information and said
authorisation data including a second part of the authorisation data comprising financial
data relating to a user of the mobile device and, in response to receiving said first part
of the authorisation data and the mobile device identity information, to verify said
authorisation data and to retrieve said second part of the authorisation data comprising
the user's financial data to complete a transaction" which was discussed above.

The only substantive difference between these features is that claim 14 refers to
financial data to "complete" a transaction whereas claim 26 refers to financial data to
"support" a transaction. Otherwise the differences are merely minor matters of
nomenclature such as using "mobile device identity information" in place of "identity
information for said mobile device".

Applicant respectfully asserts that these differences in wording are not relevant to
the arguments regarding obviousness of this feature set out above. Further, it is
submitted that even according to the arguments in the Office Action the teaching of the
further cited document Grunbok '603 relates only to stored data representing a cash
amount and is not relevant to obviousness of the identified feature.

Accordingly, it is submitted that for corresponding reasons to those set out above
for claim 14, this feature of claim 26 cannot be arrived at by combining the teaching of
Berardi '226, Adam '710, Campisano '447 and Grunbok '603. Accordingly, it is
respectfully submitted that claim 26 is not obvious, that claims 27 and 28 allowable as
proper directly dependent claims and that dependent claims 29 and 30 are not obvious
because they depend from an allowable proper dependent claim.

Adam '710, Nguyen '361 and Shore '662

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The Examiner rejects claims 31-32 as obvious over Adam '710 in view of Nguyen '361 and Shore '662. This rejection is mooted by cancellation of the claims.

Grunbok '603 and Nguyen '361

The Examiner has repeated a suggestion that Grunbok '603 discloses all features of claim 34 except for the feature of "a data store for storing user specific data in association with at least one of said identifiers", and further suggests that this feature is disclosed by Nguyen '361.

Applicant respectfully submits that this analysis is incorrect. Applicant asserts that Grunbok '603 does not disclose the feature of "a price list computer program for processing a price list arising from a transaction...the price list processor is adapted to process a price list arising from a transaction by applying user specific data," as Grunbok '603 teaches only methods of arranging payment of a transaction.

There is no disclosure in Grunbok '603 of processing a price list arising from a transaction by applying user specific data. The cited text of Grunbok '603 at column 6, lines 20-31, and column 5, lines 10-33, teaches only how the cost of a purchase can be met by taking funds from a plurality of different user accounts. There is no teaching whatsoever that a price list of a transaction can be processed in any way, and certainly no teaching that the price list arising from a transaction can be processed by applying user specific data according to the feature of claim 34.

It is submitted that even if arranging payment of a purchase according to Grunbock '603 was to be regarded as teaching "process a price list" it cannot reasonably be regarded as teaching "process a price list...by applying user specific data" according to claim 34.

An example of processing of a price list of a transaction by applying user specific data is for a loyalty scheme in which a user may have a discount arising from their purchasing history, as explained at page 5, line 31, to page 6, line 2, of the application as originally filed. However, it is stressed that this is merely an example and that Grunbok '603 does not teach or suggest that a price list of a transaction can be processed in any way by applying user specific data.

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This feature is also not taught by Nguyen '361. Although Nguyen '361 teaches a data store there is nothing in the specification to teach or suggest in any way that the price list arising from a transaction can be processed by applying user specific data.

Accordingly, applicant asserts that claim 34 is allowable over this combination of references, and that claim 35 is also allowable as a proper dependent claim.

Adam '710 and Nguyen '361

Instead of repeating a rejection of claim 37 as obvious over Berardi '226, Adam '710 and Nguyen '361, the Examiner rejects claim 37 as obvious over just Adam '710 and Nguyen '361. The Examiner accepts that the features of claim 37 of a communication device "having an address in a public network" and of "transmitting the generated receipt to a communication device having a different address in a public network" is not taught by Adam '710, but the Examiner suggests that these features are taught by Nguyen '361, particularly at paragraphs [0006] and [0018].

Applicant respectfully submits that there is nothing in either of these cited references that teaches the feature of "transmitting the generated receipt to a communication device having a different address in a public network", as required in claim 37. In particular, it is submitted that there is nothing in Nguyen '361 to suggest in any way that the "temporary mobile address" in referenced paragraph [0018] corresponds to "a communication device having a different address in a public network" to the "address in the public network of the communication device identified in the received transaction information" according to claim 37.

At paragraph [0018], Nguyen '361 teaches that the "temporary mobile device address… temporarily overrides the pre-registered mobile device address". This will cause the "response on the outcome of the transaction" according to paragraph [0016] to be sent to the temporary mobile device address and not to the pre-registered mobile device address. However, it does not follow from this that the response will be sent to "a communication device having a different address in a public network" as required in claim 37, because there is nothing in Nguyen '361 to teach or suggest in any way that the transaction is based on received transaction information identifying the pre-registered mobile device address. Paragraph [0016] of Nguyen '361 teaches that the transaction "is initiated from a card reader **101**, An ATM **102**, a website **103**, or from a

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bank slip such as a written check, deposit slip, withdraw slip, fund transfer slip **104**". This listing, and the teaching elsewhere in Nguyen '361, does not make any reference to the transaction being initiated by, or in any other way based on, transaction information from a communication device.

Further, paragraph [0018] of Nguyen '361 teaches that the pre-registered mobile device address has been collected and stored "When the account owner registers for the delivery service". There is no teaching that this address is related in any way to a communication device which has provided transaction information.

While the benefit of hindsight might suggest that the temporary mobile device address feature of Nguyen '361 could be used to send a response to a communication device having a different address, there is no express teaching in Nguyen '361 to suggest that this should or could be done.

Accordingly, it is respectfully submitted that claim 37 is allowable over this combination of references.

Respectfully submitted,

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